

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL A. BORONDA,  
Plaintiff,

No. 1:11-cv-3082-CL

v.

SARA MOYE and JOSEPHINE  
COUNTY,

**ORDER**

Defendants.

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Report and Recommendation, the district court makes a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Here, plaintiff objects to the Report and Recommendation, so

I have reviewed this matter de novo. I agree with Magistrate Judge Clarke that it would be futile to allow plaintiff to amend the complaint to add a statutory claim under Or. Rev. Stat. § 652.610. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#41) is adopted. Plaintiff's motion for leave to file an amended complaint (#36) is denied as to the statutory claim and granted as to economic damages. The amended complaint is due within 10 days of the date of this order.

IT IS SO ORDERED.

DATED this 27 day of July, 2012.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE